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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,933	06/04/2001	Robert M. Lund	09775810-0035	3347

7590

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EXAMINER

TAYLOR, BARRY W

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 04/27/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/873,933

Applicant(s)

LUND ET AL.

Examiner

Barry W Taylor

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy et al (6,163,594 hereinafter Kennedy) in view of Fraser (5,835,580).

Regarding claims 1 and 4. Kennedy teaches a method for correlating a subscriber unit to a physical port in a point-to-point (col. 10 lines 36-48) or to a point-to-multipoint (col. 10 lines 36-48) depending on the type of switch type the subscriber unit is connected to because each switch has its own Service Profile Identifiers (i.e. SPID), comprising:

prompting an installer to manually input a location code associated with the subscriber (see column 3 wherein the service technician enters SPID because to gain access to the ISDN line from the customer premises location, the craftsperson must inform the central office switch of the SPID associated with the two bearer channels);

receiving the location code in the subscriber unit (see column 3 wherein the service technician enters SPID because to gain access to the ISDN line from the customer premises location, the craftsperson must inform the central office switch of the SPID associated with the two bearer channels (i.e. directory numbers associated with the two channels), col. 3 lines 50-67, col. 6 lines 8-16, col. 7 lines 39-41, col. 8 lines 2-26, col. 8 line 60 – col. 10 line 62, col. 11 line 18 – col. 12 line 25);

Kennedy does not explicitly show transmitting the location code via the network to a central repository; and storing the location code in the central repository toward associating the location code with the physical port.

Fraser teaches a method and apparatus for automated provisioning and billing of communication services wherein an account is maintained by the telecommunication carrier for a specific piece of telecommunication equipment (col. 2 line 63). The account is established by forwarding to the telecommunication carrier a service request including information that uniquely identifies the telecommunication equipment and information that enables the carrier to bill the customer. The carrier optionally establishes a relationship with a credit card enterprise to pay for services rendered to the registered equipment (abstract, col. 1 lines 40-63). Fraser discloses registration may be done at

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customer's home or at the vender's premises (col. 3 line 64 – col. 4 line 30). Fraser further discloses a customer's Network Interface (NIU) reports its own violation or in response to a polling signal (col. 4 lines 52-59) to determine if NIU has been transported to a new location and databases updated accordingly. In other words, Fraser allows for portability of NIUs wherein the owner of the telecommunication network allows the network address of the NIU to be changed (col. 5 lines 4-22).

It would have been obvious for any one of ordinary skill in the art at the time the invention was made to modify the invention as taught by Kennedy to use a unique identifier as taught by Fraser for the benefit of monitoring and tracking NIUs connected to the network enabling for databases to be automatically updated when NIU is moved and re-connected to another network node.

Regarding claim 2. Kennedy shows using an LCD to provide craftsperson with a display driven test set as well as using LEDs coupled to I/O port for indicating the test set connected and operating properly (col. 7 line 38 – col. 10 line 57, col. 11 lines 19-32).

Regarding claim 3. Kennedy allows the craftsperson to re-input the location code (col. 2 lines 51-60, col. 3 lines 33-66, col. 7 lines 39-41, col. 9 line 19 – col. 10 line 62).

### ***Conclusion***

### ***Response to Arguments***

2. Applicant's arguments with respect to claim 1 has been considered but is moot in view of the new ground(s) of rejection.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor whose telephone number is (703) 305-4811. The examiner can normally be reached on Monday-Friday from 6:30am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 customer service Office whose telephone number is (703) 306-0377.

  
CURTIS KUNTZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600